HIGH COURT OF CHHATTISGARH: BILASPUR

Writ Petition (C) No. 6636 of 2007

Petitioner — Amrik Singh, aged about 50 years, son of Niranjan Singh, resident of Mungeli Road, 27 Kholi Chowk, Bilaspur (CG).

Versus

Respondents

1) State of Chhattisgarh, through Collector, Bilaspur (CG).

2) Superintending Engineer, Department of Public Works, Bilaspur (CG).

(Writ Petition under Article 226 of the Constitution of India)

SB: Hon'ble Mr. Satish K. Agnihotri, J.

Present: Shri Preetam Tiwari, counsel for the petitioner.
Shri Arvind Dubey, Panel Lawyer for the respondents/State.

ORAL ORDER

(Passed on 22nd November, 2007)

Learned counsel appearing for the petitioner submits that the facts of this case are same as that of Writ Petition No.145 of 2005 (Rajesh Gauraha and another Vs. State of Chhattisgarh and another) which has already been disposed of by this Court on 25-1-2005. Learned counsel prays that the same order may be passed in this case also, to which learned counsel appearing for the respondents/State has no objection.

2) The petitioner has preferred this writ petition under Article 226 of the Constitution of India, quashing the illegal, unjust and invalid order of the respondents, whereby Bhoomiswami land of the petitioner bearing Khasra No. 68 area 1.00 acres has been taken into possession by the respondents and a road has been constructed on the land without valid acquisition of the same, as a result of which neither the petitioner has

been compensated in terms of money nor any alternative site has been given in lieu of the land used for construction of the road.

3) Learned counsel appearing for the petitioner submitted that the petitioner has already made a representation before the respondents No. 1 and 2, but they are not deciding or passing any order on the representation, as such he submitted that respondent No.1 be directed to decide the representation and pass appropriate order in favour of the petitioner, to which learned counsel appearing for the respondents has no objection.

4) Having heard learned counsel appearing for the parties and having regard to the facts and circumstances of the case, respondent No.1 is directed to decide the representation of the petitioner and pass appropriate order in the matter after considering all the points raised by the petitioner within thirty days. It is made clear that in case the representation is not available with respondent No.1, then the petitioner can furnish copy of the earlier representation within ten days before respondent No.1.

5) With the aforesaid direction, the petition is disposed of.

Sd/-
Satish K. Agnihotri
Judge

Raju